

REMARKS

This is in full and timely response to the non-final Official Action dated July 2, 2004. A petition to extend the time for this response to within the third extended month accompanies this submission. By this response, claims 1, 4 to 7, 10 and 11 are amended and claims 2, 3, 8, 9 and 12 are canceled with the result that the pending claims are believed to be in condition for allowance.

Claim for priority

It is noted that the Action fails to acknowledge receipt of the certified copy of the claim for priority submitted with the application as filed. Acknowledgement of receipt of those papers would be appreciated.

Specification

The specification has again been reviewed and minor changes made at pages 9, 25 and 26, including responding to the suggestion of the examiner at the top of page 2 of the Action. Withdrawal of the objection is thus believed to be in order.

Section 112 rejection of claim 12

Original claim 12 was initially rejected as being indefinite. Claim 12 is currently canceled, obviating that rejection. To the extent that claim 11 is amended, the language has been reworked to avoid the offending usage. Withdrawal of the rejection is thus in order.

Section 102 rejections

Original claims 1 to 6, 11 and 12 were initially rejected as allegedly being anticipated by the patent to Gray, No. 6,702,806. Original claims 7 to 9 were initially rejected as being unpatentable over the same patent to Gray '806 in view of USP 6,209,307 to Oltean. Original claim 10 is rejected over the same Gray '806 patent in view of USP 5,752,950 to Gray et al. Without

acquiescence or agreement with these rejections, independent claims 1 and 11 are amended in a way that avoids the stated rejections.

Specifically, claim 1 is amended to clarify the combination of a characteristic point detection means for detecting characteristic points common to a first anterior-segment image of the eye, as stated and a second anterior-segment image, where the second image includes images of marks provided for the eye. A first and a second torsion-detection means for obtaining a first torsion-error angle of the second anterior-segment image with respect to the first image based on the characteristic points. A first torsion-correction means for correcting the first torsion-error angle before the ablation of the cornea is recited, as is mark detection means for detecting the mark images common to the second anterior-segment image and a third anterior-segment image of the image, as stated. A second torsion-detection means and a second torsion-correction means are also recited for correction the second torsion-error angle during the ablation of the cornea. Claim 11 is amended in combination along those same lines to recite a coextensive combination.

Support for the amendments to the claims are found in the original canceled claims 2, 3, 8, 9 and 12, and in the specification and drawings as filed, especially in connection with the discussions of Figs. 3 to 8 at pages 9 to 28 of the specification (semble) as filed.

None of the references alone or in proper combination teach the stated combination of an irradiation optical system, an image-pickup means, a characteristic point detection means, a first torsion-detection means, a first torsion-correction means, a mark detection means, a second torsion-detection means, and a second torsion-correction means, as now recited in claims 1 and 11 and dependent claims 4 to 7 and 10. In particular, the findings of the examiner as to original claims dealing with a combination as then recited no longer are appropriate as findings to continue the rejection of the amended claims. Withdrawal of the rejection is respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. WEN-0021 from which the undersigned is authorized to draw.

Dated: December 28, 2004

Respectfully submitted,

By 

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